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I hereby certify that this Amendment and Response to Office Action is being facsimile transmitted to the United States Patent and Trademark Office at (571) 273-8300 and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: 9/18/06By Kim L. Brown
SignatureIN THE UNITED STATES PATENT
AND TRADEMARK OFFICEPATENT

Applicant: Bruce K. Zeller

Docket No.: 34985.0136

Serial No.: 10/823,113

Examiner: Joseph C. Rodriguez

Filed: April 13, 2004

Art Unit: 3653

Title: METHOD AND APPARATUS FOR
SEPARATING EXCAVATED
MATERIAL

AMENDMENT AND RESPONSE TO OFFICE ACTION

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Dear Sir:

In response to the Office Action of June 16, 2006, the period of response for which is extended to September 18, 2006 in that September 16, 2006 falls on a Saturday, please consider the following remarks:

No Amendments have been made to the claims.

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.